

CV 14 80066 MISC.

## UNITED STATES DISTRICT COURT

for the

Southern District of New York

PEARSON EDUCATION, INC., et al

Plaintiff

v.

Ziming Dong and Xiaodong Zhang

Defendant

Civil Action No. 09 Civ. 576 (BSJ) (RLE)

**FILED**  
 FEB 21 2014  
 RICHARD W. WIEKING  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

## CLERK'S CERTIFICATION OF A JUDGMENT TO BE REGISTERED IN ANOTHER DISTRICT

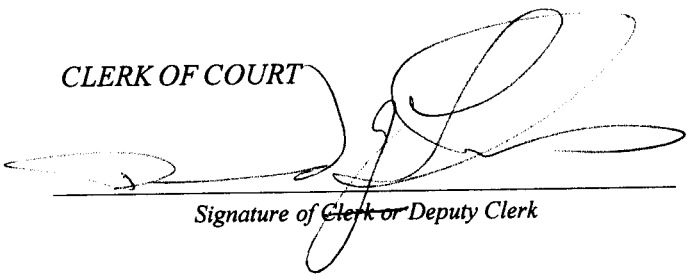
I certify that the attached judgment is a copy of a judgment entered by this court on (date) 03/26/2010 <sup>28 725</sup>.

I also certify that, as appears from this court's records, no motion listed in Fed. R. App. P. 4(a)(4)(A) is pending before this court and that no appeal has been filed or, if one was filed, that it is no longer pending.

Date:

FEB 20, 2014

CLERK OF COURT

  
 Signature of Clerk or Deputy Clerk

012075 2/26/10  
JONES, O

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: 22  
DATE FILED: 3/26/10

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PEARSON EDUCATION, INC., JOHN  
WILEY & SONS, INC., CENGAGE  
LEARNING INC., AND THE MCGRAW-  
HILL COMPANIES, INC.,

Plaintiffs,

-against-

ZHIMING DONG AND XIAODONG ZHANG  
A/K/A NICK ZHANG BOTH D/B/A  
LANPIN08 D/B/A MING1015 AND  
JOHN DOE NOS. 1-5,

Defendants. :  
----- x

09 Civ. 5775 (BSJ) (RLE)

ECF Case

FINAL JUDGMENT AND PERMANENT INJUNCTION  
BY CONSENT

IT IS HEREBY STIPULATED and agreed by and between the  
parties, conditional upon the approval of the Court, that it is

ORDERED, ADJUDGED AND DECREED that defendants Zhiming  
Dong ("Dong") and Xiaodong Zhang a/k/a Nick Zhang ("Zhang") and  
their agents, servants, and employees, and all those acting in  
concert with them, if any, are hereby PERMANENTLY ENJOINED from  
(i) infringing the registered copyrights and trademarks of  
plaintiff Pearson Education, Inc. ("Pearson") identified on  
Schedules A and E hereto, the registered copyrights and  
trademarks of plaintiff John Wiley & Sons, Inc. ("Wiley")  
identified on Schedules B and F hereto, the registered

A CERTIFIED COPY  
RUBY J. KRAJICK, CLERK  
BY Deanne L. [Signature]  
Deputy Clerk

copyrights of Cengage Learning, Inc. ("Cengage") identified on Schedule C hereto, and the registered copyrights and trademarks of plaintiff The McGraw-Hill Companies, Inc. ("McGraw-Hill"), identified on schedules D and E hereto, in violation of 17 U.S.C. § 501 or 15 U.S.C. § 1114(a); and from falsely designating the origin of their products or services in violation of the rights of Pearson, Wiley, Cengage and McGraw-Hill under 15 U.S.C. § 1125(a), and (ii) infringing any copyright or trademark of Pearson, Wiley, Cengage or McGraw-Hill through the sale in the United States of any copy of any foreign edition of their works printed outside of the United States and marked to prohibit its importation into, or sale in, the United States ("Foreign Edition"); and it is further

ORDERED, ADJUDGED and DECREED that Dong and Zhang, jointly and severally, shall pay Pearson, Wiley, Cengage and McGraw-Hill damages in the amount of \$76,800 (the "Settlement Amount"), payable \$800 forthwith, and thereafter monthly payments, beginning April 1, 2010, in the amount of \$800 per month, on the first of the month, until the remaining \$76,000 is paid; and it is further

ORDERED, ADJUDGED and DECREED that the obligation of Dong and Zhang to make the above payments totaling \$76,800 shall not be dischargeable as a result of any petition or application that Dong and/or Zhang may file under the laws of the United

States, or any other country, relating to bankruptcy; and it is further

ORDERED, ADJUDGED AND DECREED that Dong and Zhang shall have the right at any time to prepay the balance remaining, in whole or in part, but that a partial prepayment shall be allocated to the last amounts due and shall not delay the monthly payments owed to Pearson, Wiley, Cengage and McGraw-Hill; and it is further

ORDERED, ADJUDGED AND DECREED that, unless Pearson, Wiley, Cengage and McGraw-Hill notify Dong and Zhang to make payment to another person, Dong and Zhang shall pay the above amounts by check payable to Dunnegan LLC Attorney Trust Account, and sent to Dunnegan LLC, 350 Fifth Avenue, Suite 4908, New York, New York 10118, or to such other address that William Dunnegan may provide to Dong and Zhang; and it is further

ORDERED, ADJUDGED AND DECREED that if Dong and Zhang do not make a payment in accordance with this final judgment and permanent injunction within 10 business days of the receipt of written notice to Dong and Zhang at the address provided below by overnight delivery (deemed received the business day after dispatch) or certified mail return receipt requested (deemed received the day of confirmed receipt), or at such other address they may provide, and Dong and Zhang fail to cure within such 10-day period, (i) all amounts due under this final judgment and

permanent injunction shall become immediately due and payable, (ii) Pearson, Wiley, Cengage and McGraw-Hill will be entitled, in addition to all other remedies available in law or in equity, to reopen this case to seek additional damages that they can prove they would be entitled to recover, including attorneys' fees; and (iii) Pearson, Wiley, Cengage and McGraw-Hill shall be entitled as a matter of right to their reasonable attorneys' fees in connection with the enforcement of this final judgment and permanent injunction; and it is further

ORDERED, ADJUDGED and DECREED that if Dong and Zhang change their current residence address prior to the final payment having been made by them pursuant to this final judgment and permanent injunction, Dong and Zhang shall within 10 days of that change, provide written notice of that change of address by Certified U.S. Mail to William Dunnegan at the address set forth below, or any further address William Dunnegan designates; and it is further

ORDERED, ADJUDGED and DECREED that Dong and Zhang shall fully disclose within 30 business days of the entry of this final judgment and permanent injunction, in writing and under oath, the source, if known, of each Foreign Edition that Dong and Zhang sold; and it is further

ORDERED, ADJUDGED and DECREED that Dong and Zhang shall deliver the Foreign Editions of Pearson, Wiley, Cengage

and McGraw-Hill in their possession, custody or control, if any, to Pearson Education, Inc., One Lake Street, Upper Saddle River, New Jersey 07458, Attn: Mr. Richard Essig within 10 days of the entry of this final judgment and permanent injunction; and it is further

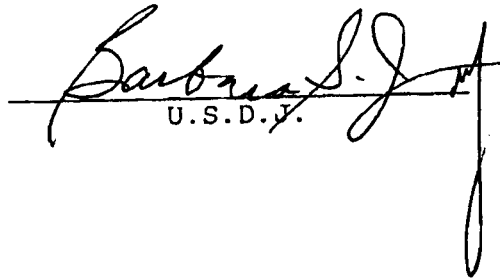
ORDERED, ADJUDGED and DECREED that, except as set forth herein, Pearson, Wiley, Cengage and McGraw-Hill release any and all of their claims as of the date of execution of the consent to this final judgment and permanent injunction, and Dong and Zhang release any and all of their claims, if any, against Pearson, Wiley, Cengage and McGraw-Hill, except any claims for failure to comply with this final judgment and permanent injunction, including failure to pay any part of the Settlement Amount; and it is further

ORDERED, ADJUDGED and DECREED that upon complete payment of the Settlement Amount, Pearson, Wiley, Cengage and McGraw-Hill, through their counsel, will file a satisfaction of judgment in this Court; and it is further

ORDERED, ADJUDGED and DECREED that claims of Pearson, Wiley, Cengage and McGraw-Hill in this action against Dong and Zhang be, and hereby are, dismissed with prejudice, except that the Court shall retain jurisdiction to enforce this final judgment and permanent injunction, and the claims of Pearson,

Wiley, Cengage and McGraw-Hill against the remaining defendants  
are hereby dismissed without prejudice.

Dated: New York, New York  
March 26, 2010

  
U.S.D.J.

THIS DOCUMENT WAS ENTERED  
ON THE DOCKET ON 3/28/10

Consent to Entry

The parties hereby consent to the entry of the foregoing  
final judgment and permanent injunction.

Dated: ~~January~~ 15, 2010  
March

DUNNEGAN LLC

By 

William Dunnegan (WD9516)

wd@dunnegan.com

Laura Scileppi (LS0114)

ls@dunnegan.com

Attorneys for Plaintiffs

Pearson Education, Inc.,

John Wiley & Sons, Inc.

Cengage Learning, Inc. and

The McGraw-Hill Companies, Inc.

350 Fifth Avenue

New York, New York 10118

(212) 332-8300

LAW OFFICES OF

TODD WENGROVSKY, PLLC

By 

Todd Wengrovsky (TW4823)

Contact@TWLegal.com

Attorneys for Defendants

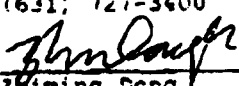
Zhiming Dong and

Xiaodong Zhang

295 Southfield Road, Box 585

Calverton, New York 11933

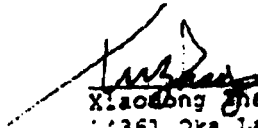
(631) 727-3400

  
Zhiming Dong

14361 Oka Lane, Number 25

Los Gatos, California 95032



  
Xiaolong Zhang  
14361 Oka Lane, Number 25  
Los Gatos, California 95032

Schedule A  
"Pearson Copyrights"

Title, Author, Edition #; Date of Registration; Registration #

1. A First Course in Abstract Algebra, Joseph J. Rotman,  
Second Edition; May 4, 2000; TX0005208285
2. A First Course in Database Systems, Jeffrey D. Ullman,  
Second Edition; October 25, 2001; TX0005446170
3. A First Course In Probability, Sheldon M. Ross, Seventh  
Edition; January 17, 2006; TX0006304470
4. A Friendly Introduction to Number Theory, Joseph H.  
Silverman, Second Edition; April 26, 2001; TX0005300716
5. Algorithm Design, Jon Kleinberg, First Edition; March 29,  
2005; TX0006145191
6. Computer Networking, Marsha L. Schuh, First Edition; April  
16, 2004; TX0005961569
7. Computer Networks, Andrew Tanenbaum, Fourth Edition;  
September 5, 2002; TX0005619281
8. Concrete Mathematics, Ronald L. Graham, Second Edition;  
April 29, 1994; TX0003807669
9. Data Mining, Michael Steinbach, First Edition; May 19,  
2005; TX0006170591
10. Data Structures & Other Objects Using Java, Michael Main,  
First Edition; January 19, 1999; TX0004921429
11. Data Structures & Problem Solving Using Java, Mark Allen  
Weiss, Second Edition; September 4, 2001; TX0005377807
12. Data Structures and Algorithm Analysis in Java, Mark Allen  
Weiss, First Edition; January 19, 1999; TX0004921417
13. Database Processing, David Kroenke, Tenth Edition;  
September 1, 2005; TX0006221618
14. Discrete Mathematics, Albert D. Otto, Fifth Edition;  
December 22, 2005; TX0006262135

15. Distributed Systems, Andrew S. Tanenbaum, First Edition; October 25, 2001; TX0005451449
16. Implementation Patterns, Kent Beck, First Edition; November 19, 2007; TX0006907071
17. Introduction to Automata Theory, Languages, and Computations, John E Hopcroft, Second Edition; December 5, 2000; TX0005196223
18. Introductory Combinatorics, Richard A. Brualdi, Fourth Edition; May 12, 2004; TX0005959444
19. Java Puzzlers, Joshua Bloch, First Edition; October 28, 2005; TX0006253976
20. Linear Algebra with Applications, Steven J. Leon, Sixth Edition; October 3, 2001; TX0005447210
21. Principles of Parallel Programming, Calvin Lin, First Edition; March 5, 2008; TX0006981827
22. Security in Computing, Charles P. Pfleeger, Third Edition; February 4, 2003; TX0005677562
23. Structured Computer Organization, Andrew S. Tanenbaum, Fourth Edition; October 27, 1998; TX0004889355
24. An Introduction to Database Systems, C.J. Date; March 31, 1986; TX0001789563
25. Applied Partial Differential Equations, Richard Haberman, Fourth Edition; April 29, 2003; TX0005736755
26. Artificial Intelligence, Peter Norvig, Second Edition; February 4, 2003; TX0005677567
27. Classical and Contemporary Cryptology, Richard J. Spillman, First Edition; August 11, 2004; TX0006010384
28. Computational Complexity, Christos H. Papadimitriou, First Edition; December 7, 1993; TX0003693529
29. Computer Networking, James F. Kurose, Third Edition; June 23, 2004; TX0005982429

30. Computer Networking with Internet Protocols and Technology, William Stallings, First Edition; February 27, 2004; TX0005912039
31. Crafting a Compiler with C, Charles N. Fischer, First Edition; February 21 1991; TX0003026180
32. Cryptography And Network Security, William Stallings, Fourth Edition; January 17, 2006; TX0006304469
33. Data Structures And Algorithm Analysis in C++, Mark Allen Weiss, First Edition; December 3, 1993; TX0003678100
34. Data Structures Outside-in with Java, Sesh Venugopal, First Edition; January 22, 2007; TX0006512599
35. Database Design and Development, Craig Van Slyke, First Edition; May 23, 2006; TX0006342882
36. Database Systems, Arthur Bernstein, Second Edition; June 7, 2004; TX0005982902
37. Design Patterns, Erich Gamma, First Edition; August 29, 1995; TX0004191861
38. Design Patterns Explained, Alan Shalloway, Second Edition; November 23, 2004; TX0006083017
39. Design Patterns in C#, Steven John Metsker, First Edition; June 21, 2004; TX0005988195
40. Distributed Operating Systems, Andrew S. Tanenbaum, First Edition; October 4, 1994; TXu000642327
41. Effective C#, Bill Wagner, First Edition; January 7, 2005; TX0006092917
42. Elementary Differential Equations, C. H. Edwards, Fifth Edition; November 10, 2003; TX0005982969
43. Fundamentals of Parallel Processing, Gita Alaghband, First Edition; September 5, 2002; TX0005619279
44. High Performance Cluster Computing, Rajkumar Buyya, First Edition; July 21, 1999; TX0005014523

45. Interactive Computer Graphics, Edward Angel, Fourth Edition; March 29, 2005; TX0006145188
46. Introduction to Computer Graphics, Andries VanDam, First Edition; October 4, 1993; TX0003648000
47. Introduction to Graph Theory, Douglas B. West, First Edition; March 23, 2001; TX0005366701
48. Introduction to Real Analysis, Manfred Stoll, Second Edition; April 13, 2001; TX0005285751
49. Introduction to Scientific Computing, Charles F. VanLoan, Second Edition; May 21, 1998; TX0004823539
50. Modern Operating Systems, Andrew S. Tanenbaum, Second Edition; April 26, 2001; TX0005358150
51. Network Security, Charlie Kaufman, Second Edition; June 3, 2002; TX0005525629
52. Network Security Essentials, William Stallings, Third Edition; October 6, 2006; TX0006443543
53. Numerical Analysis and Scientific Computation, Jeffery Leader, First Edition; March 8, 2004; TX005926859
54. Operating Systems Design and Implementation, Albert Woodhull, Second Edition; July 2, 1997; TX0004536706
55. Operating Systems Principles, Alan C. Shaw, First Edition; January 7, 2003; TX0005640870
56. Operations Research, Hamdy A. Taha, Eighth Edition; June 28, 2006; TX0006378520
57. Partial Differential Equations with Fourier Series and Boundary Value Problems, Nakhle Asmar, Second Edition; June 23, 2004; TX0005990973
58. TCP/IP Illustrated, Gary R. Wright, First Edition; June 16, 1995; TX0004061241
59. The Design and Implementation of the FreeBSD Operating System, Marshall McKusick, First Edition; September 15, 2004; TX0006034316

60. The Mathematics of Coding Theory, Paul Garrett, First Edition; February 4, 2004; TX0005904263
61. The Resonant Interface, Steven Heim, First Edition; March 27, 2007; TX0006560000
62. Topology, James Munkres, Second Edition; January 19, 2000; TX0005081467
63. Wireless Communications and Networks, William Stallings, Second Edition; December 15, 2006; TX0006495035

Schedule B  
"Wiley Copyrights"

Title, Author, Edition #; Date of Registration; Registration #

1. Design And Analysis Of Experiments, Douglas C. Montgomery,  
Fifth Edition; July 27, 2000; TX0005250245
2. Operating System Concepts with JAVA, Abraham Silberschatz,  
Sixth Edition; December 16, 2003, TX0005868626
3. Pattern Classification, David G. Stork, Second Edition;  
August 11, 2006; TX0006418016
4. The Chef's Art, Wayne Gisslen, First Edition; August 5,  
1993; TX0003619812

Schedule C  
"Cengage Copyrights"

Title, Author, Edition #; Date of Registration; Registration #

1. Advanced Calculus, Patrick M. Fitzpatrick, Second Edition;  
July 29, 2005; TX0006206339
2. Discrete Mathematics With Applications, Susanna Epp, First  
Edition; April 3, 1990; TX0002807886
3. Data Structures And Algorithms In Java, Adam Drozdek, First  
Edition; August 7, 2000; TX0005438350
4. Expert Systems, Gary Riley, Third Edition; Febraury 24,  
1998; TX0004712395 (Fourth Edition was sold)
5. Knowledge Representation, John F. Sowa, First Edition;  
September 10, 1999; TX0005040081
6. Linear Algebra, A. D. Gunawardena, First Edition; March 24,  
2003; TX0005731318



Schedule D  
"McGraw-Hill Copyrights"

Title, Author, Edition #; Date of Registration; Registration #

1. Complex Variables and Applications, James Ward Brown, Sixth Edition; January 29, 1996; TX0004207640
2. Data Communications and Networking, Behrouz A. Forouzan, Second Edition; June 19, 2000; TX0005133862
3. Modern Processor Design Fundamentals of Superscalar Processors, John Shen, Beta Edition; November 22, 2002; TX0005657680
4. Object-Oriented and Classical Software Engineering, Schach, Sixth Edition; June 4, 2004; TX0005979682
5. Real and Complex Analysis, Walter Rudin, Third Edition; August 11, 1986; TX0001887185
6. Database Management Systems, Johannes Gehrke, Third Edition; October 9, 2002; TX0005619208
7. Database System Concepts, Abraham Silberschatz, Fourth Edition; July 31, 2001; TX0005420188
8. Functional Analysis, Walter Rudin, Second Edition; September 17, 1990; TX0002907213
9. Fundamentals of Digital Logic with Verilog Design, Stephen Brown, First Edition; December 20, 2002; TX0005658408
10. Introduction to Graph Theory, Gary Chartrand, First Edition; August 24, 2004; TX0006018858
11. Introduction to Logic Design, Alan B. Marcovitz, Second Edition; April 27, 2004; TX0005947117
12. Machine Learning, Tom M. Mitchell, First Edition; May 22, 1997; TX0004558678

Schedule E  
"Pearson Trademarks"

<u>U.S. Trademark</u>	<u>Registration Number</u>	<u>Class</u>
1. "Pearson"	2,599,724	009, 016, 035, 042
2. "Pearson"	2,600,081	041
3. "Pearson"	2,652,792	009, 016
4. "Pearson"	2,679,355	016
5. "Pearson"	2,691,830	041
6. "Pearson"	2,694,359	009
7. "Prentice-Hall"	1,332,044	016
8. "Prentice-Hall"	1,332,639	042
9. "Prentice-Hall"	1,375,654	009
10. "Addison Wesley"	2,188,798	016
11. "Addison-Wesley"	2,400,130	016
12. "Benjamin Cummings"	2,674,589	016
13. "Benjamin Cummings"	2,671,773	041
14. "Benjamin Cummings"	2,671,772	041
15. "Benjamin Cummings"	2,621,299	016
16. "Benjamin Cummings"	1,189,279	016

Schedule F  
"Wiley Trademarks"

	<u>U.S. Trademark</u>	<u>Registration Number</u>	<u>Class</u>
1.	"JW" Colophon	2,168,941	009, 042
2.	"Wiley"	1,003,988	009, 016, 036, 038
3.	"Wiley"	2,159,987	009, 042

Schedule G  
"McGraw-Hill Trademarks"

<u>U.S. Trademark</u>	<u>Registration Number</u>	<u>Class</u>
1. "McGraw-Hill"	1,350,345	16
2. "McGraw-Hill"	2,899,528	16, 41
3. "The McGraw-Hill Companies"	3,103,212	9, 16, 35, 36, 37, 38, 39, 40, 41, 42
4. "Irwin"	1,718,118	16